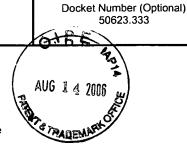
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

In re Application of: Syed F. A. Hossainy

Application No. 10/668,781 Filed: September 22, 2003

08/17/ 02 FCs For: Composite Stent With Regioselective Material And A Method Of Forming The Same



The owner*, <u>Advanced Cardiovascular Systems, Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. <u>6,656,216</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

later:	
expires for failure to pay a maintenance fee; is held unenforceable;	
is found invalid by a court of competent jurisdiction;	
is statutorily disclaimed in whole or terminally disclaim	ed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;	
is reissued; or	ts full statutory term as presently shortened by any terminal disclaimer.
is in any marmer terminated prior to the expiration of it	is full statutory term as presently shortened by any terminal discialmer.
Check either box 1 or 2 below, if appropriate.	
For submissions on behalf of a business/organ etc.), the undersigned is empowered to act on be	nization (e.g., corporation, partnership, university, government agency, shalf of the business/organization.
information and belief are believed to be true; and further statements and the like so made are punishable by fine	ein of my own knowledge are true and that all statements made on r that these statements were made with the knowledge that willful false or imprisonment, or both, under Section 1001 of Title 18 of the United opardize the validity of the application or any patent issued thereon.
2. The undersigned is an attorney of record. Reg.	. No. <u>44,286</u> August 14, 2006
	Signature Date
_	Cameron K. Kerrigan
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	ay become public. Credit card information should not edit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1 321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.